

House Bill 235

By: Representatives Williams of the 148th, Benton of the 31st, Gilliard of the 162nd, Hogan of the 179th, Blackmon of the 146th, and others

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 3 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated,
2 relating to membership in the Georgia Firefighters' Pension Fund, so as to provide that any
3 person certified by the Georgia Firefighter Standards and Training Council and employed by
4 the Safety Fire Division of the office of the Commissioner of Insurance in a position that
5 requires such certification shall be eligible to apply for membership in the fund, to provide
6 for related matters; to provide conditions for an effective date and automatic repeal; to repeal
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 3 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to
11 membership in the Georgia Firefighters' Pension Fund, is amended by revising Code
12 Section 47-7-41, relating to eligibility to apply for membership and transfer of Georgia Class
13 Nine Fire Department Pension Fund, as follows:

14 "47-7-40.

15 (a)(1) Any person employed as a firefighter, or enrolled as a volunteer firefighter, or who
16 meets the conditions provided in subsection (e) of this Code section, is eligible to make
17 application to the board for membership in the fund; provided, however, that no person
18 under a sentence of confinement shall be eligible for membership in the fund while he or
19 she is incarcerated.

20 (2) Upon becoming a member of the fund, a firefighter, or volunteer firefighter, or
21 person meeting the conditions provided in subsection (e) of this Code section shall
22 receive credit only from the date of his or her becoming a member of the fund.

23 (b) After April 1, 1989, no person who is a member of the Peace Officers' Annuity and
24 Benefit Fund shall be eligible for membership in the fund by virtue of any employment in
25 or appointment to a position the duties of which qualify such person for membership in the
26 Peace Officers' Annuity and Benefit Fund.

27 (c) On and after July 1, 2006, the membership, assets, and administration of the Georgia
28 Class Nine Fire Department Pension Fund created by Chapter 7A of this title shall be
29 transferred to this pension fund, and the Georgia Class Nine Fire Department Pension Fund
30 shall cease to exist as a separate entity. All members so transferred shall receive creditable
31 service for all service credited under such retirement system and shall be entitled to all
32 rights and benefits accorded to members of this retirement system.

33 (d) Any person who, on June 30, 2006, was an active member of the fund by virtue of
34 holding a position other than as a firefighter, in accordance with the qualifications for
35 membership in effect on that date, shall be entitled to remain a member of the fund;
36 provided, however, that if such person has a break in such position that qualified him or her
37 for membership on June 30, 2006, or any other eligible employment provided by this Code
38 section, for greater than 30 days, that member shall be deemed a suspended member, and
39 any future membership shall be subject to laws and regulations in effect when that
40 member's application for reinstatement as an active member is approved.

41 (e) Any person who is certified by the Georgia Firefighter Standards and Training Council
42 in accordance with Code Section 25-4-7 and employed by the Safety Fire Division of the
43 office of the Commissioner of Insurance in a position that requires such certification, shall
44 be eligible to make application to the board for membership in the fund in the same manner
45 and under the same conditions as a firefighter or volunteer firefighter."

46 **SECTION 2.**

47 This Act shall become effective on July 1, 2020, only if it is determined to have been
48 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
49 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
50 become effective and shall be automatically repealed in its entirety on July 1, 2020, as
51 required by subsection (a) of Code Section 47-20-50.

52 **SECTION 3.**

53 All laws and parts of laws in conflict with this Act are repealed.